



TOWN OF MILLVILLE
Planning and Zoning Commission (P&Z) Minutes
January 13, 2022 @ 7:00 p.m.

1. **CALL TO ORDER:** P&Z Chairman Pat Plocek called the meeting to order at 7:00 p.m. with the **Pledge of Allegiance**. **Present:** Chairman Pat Plocek; Secretary Marshall Gevinson; Commissioner Michael Burgo; Commissioner Tim Roe; Commissioner Cathy Scheck; Code & Building Official Eric Evans; Administrative Assistant Jennifer Ireland; Town Clerk Wendy Mardini; GMB Representative Andrew Lyons, Jr.

2. **APPROVAL OF P&Z MINUTES -**

A. November 11, 2021

Motion by Ms. Scheck to accept the minutes, seconded by Mr. Gevinson. Motion carried unanimously 5-0.

B. November 18, 2021

Motion by Mr. Gevinson to accept the minutes, seconded by Ms. Scheck. Motion carried unanimously 5-0.

3. **CITIZENS' PRIVILEGE:** None

4. **NEW BUSINESS:**

A. Discuss the potential submittal of an application for the rezoning of Tax Map Parcel# 134-12.00-376.00, located at 36003 Burbage Rd., owned by Toomey, LLC., from C-1 Commercial to Residential Planned Community (RPC).

Synopsis: Ron Sutton of Civil Engineering Associates, on behalf of Christopher Companies, wishes to discuss the potential rezoning of the above-mentioned property and would like feed-back, if possible, from the P&Z commission. There will be no vote for recommendation, and no formal application has been made at this time.

Mr. Plocek stated the commission could ask questions, but not direct any opinions at this time. Mr. Thompson explained there is not an application pending. He said in terms of rezoning, there is a specific process in Chapter 155 where a petition needs to be filed as a public hearing process that it would have to go through. The planning commission can have discussions in terms of concept plans with respect to subdivisions. He said tonight is not about the rezoning, but about the subdivision concept and what they would want to do if the property were rezoned and would operate under that hypothetical. He reiterated that the process for rezoning is not on the agenda tonight.

Mr. Sutton with Civil Engineering Associates was representing the Christopher Companies on the Toomey property. He explained the Toomey property is located on Burbage Road and butts up against Bishops Landing in the back, Bishops Landing is across the street and is near Millville By the Sea (MBTS). It is currently zoned C-1. He explained they did a layout based on the C-1 zoning. They proposed seven commercial buildings with commercial on the first floor, and apartments on the second and third floors. There are about 25 spaces in each building for parking. This would allow 210 apartment units, 2 and 3 bedrooms, it would be a mixture of apartment units on the second and third floors. It would leave 70,000 square feet of commercial space. We have 558 parking spaces shown with about 6.6 acres of green or open space. According to the current zoning, this is what is permitted and would be a site plan application. He advised this is not what Christopher Companies wants to do. He said they would rather do something that fits within the area. He said he did not think that commercial is the best use for this space. Having that much commercial space on this large property is going to generate a lot of traffic. They want to do something more in line with the development in the area. Mr. Sutton explained they would be asking to rezone to a Residential Plan Community (RPC). He pointed out 64 Lots. The RPC zoning requires a three-unit mix. There are 17 townhomes, 20 villas and 27 singles. According to the Code, 40% of the total units must be single family. They have 27 single family lots, which equates to 42%. They have about 5.4 acres of open space, including the large stormwater management pond and that equates to about 40% of the site still being open and green. There will be a community pool with a community parking lot at the end. There would be a 20-foot buffer all the way around. They have already met with DelDOT and what is shown on the plans is what is required. They did not meet with DelDOT on the commercial layout. All the utilities are in the road, the sewer hook-up is right in the center of Burbage, and water is on their side of the property. He noted everything for development is already existing because of all the development in the area. Mr. Sutton stated they were here to get a feeling of what was presented and the rezoning aspect.

Mr. Lyons of GBM commented what was presented met the RPC requirements; however, the property is zoned C-1. There are a lot of uses that are allowed in C-1. Everything that is allowed in the residential zone (R) and everything that is in the C-1, which is the commercial, apartment above commercial, and then all the commercial uses that is allowed in the C-1 district.

A discussion was held regarding the history of the parcel and rezoning of other parcels in the area. Mr. Evans stated that the owner requested the parcel be annexed into the town as C-1, and it was annexed to achieve continuity for MBTS. It is in the Comprehensive Plan as commercial for future land use. He stated there is history of other parcels in the area being rezoned.

Mr. Thompson asked to the Commission to set aside the issue of whether the parcel gets rezoned for another day but look at it as if it already is an RPC and offer suggestions or feedback on the concept of the subdivision. Mr. Gevinson inquired about any tot lot space. Mr. Sutton pointed out they do have space for one near the pool area, near the community area and in the open space area. Ms. Scheck questioned how many dwelling units there would be, and Mr. Sutton advised that there were sixty-four.

Mr. Roe questioned that a portion of this land was declared wetlands. Mr. Sutton advised there are many maps in the State of Delaware that show wetlands and are not actually wetlands, this has already been delineated. Mr. Lyons confirmed the state maps are outdated, and the details may be wrong; however, there will have to be due diligence to verify there are no wetlands located in that area and it would be ultimately up to the Core of Engineers. Mr. Lyons explained what criteria must be met to be considered wetlands and if you do not have the two out of three items, it is not considered wetlands.

Mr. Plocek pointed out considerations for fire trucks and room for them to turn around. Mr. Sutton stated they met fire marshal requirements.

Mr. Regan of Christopher Companies spoke about looking for guidance as to what really matches the surrounding residential communities. He said that he wants to get a feel for what the town really wants to see on this property.

Mr. Thompson gave a brief explanation regarding the difference between rezoning and subdivision.

Mr. Burgo added that there is some concern about the speed limits, installation of walkways and/or crosswalks on Burbage Road due to the increase in building. He was wondering if it was the responsibility of DelDOT or a combination of DelDOT and the developers to check into that aspect. Mr. Thompson advised that the speed limit would be the responsibility of DelDOT. Mr. Burgo voiced concerns of landscaping and development of monument entrances along Burbage Road, keeping them in the harmony with each other.

Mr. Plocek reiterated the Commission wanted clarification on the wetlands issue, recreational activities for young children when the pool is not in use, working with DelDOT to resolve the potential traffic and entrance issues. Mr. Plocek stressed there was no recommendation by the Commission as to whether they would approve or disapprove a rezoning at this time.

5. CITIZENS' PRIVILEGE - none

6. ANNOUNCEMENT OF NEXT MEETING

Commissioner Plocek stated the next P&Z meeting was scheduled for February 10, 2022, at 7:00 p.m.

7. ADJOURNMENT

Mr. Gevinson motioned to adjourn the meeting at 7:35 p.m. Mr. Roe seconded the motion. The motion carried unanimously 5-0.

Respectfully submitted,

Wendy Mardini
Town Clerk